



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

CONTRIBUTORY NEGLIGENCE—"HUMANITARIAN DOCTRINE"—RAILROADS AND TRACTION COMPANIES.—The plaintiff sues as personal representative to recover damages for the death of her husband, caused by the defendant in operating its railroad. Through mutual negligence, both the deceased and the defendant were oblivious to the former's peril at the time of the injury. *Held*, for the plaintiff. When a person can prevent injury to another, it is his duty to do so, no matter how negligent the other may have been. *Gilbert v. Miss. etc. Ry.* (Mo. 1920) 226 S. W. 263.

The "humanitarian doctrine" applied in the instant case is an extension of the doctrine of the "last clear chance". See (1912) 12 COLUMBIA LAW REV. 729. Contributory negligence has generally been a valid defense where the defendant was unaware of the plaintiff's peril when the accident occurred. *Anderson v. Minneapolis etc. Ry.* (1908) 103 Minn. 224, 114 N. W. 1123; see *Atchison etc. Ry. v. Baker* (1908) 79 Kan. 183, 98 Pac. 804; *cf. Exum v. Atl. Coast Line Ry.* (1911) 154 N. C. 408, 70 S. E. 845. But it is no defense where there could be implied on the defendant's part a wilful or reckless disregard of the plaintiff's safety. See *Terre Haute etc. Ry. v. Graham* (1883) 95 Ind. 286, 293; *Anderson v. Minneapolis etc. Ry., supra*, 228. This view has been modified in some states to entitle the plaintiff to damages if he was only "passively" and not "actively" negligent at the time of the injury. This distinction has been severely criticized. See (1912) 12 COLUMBIA LAW REV. 729. Under the rule in the instant case, contributory negligence is never a defense in an action for personal injuries caused by the negligent operation of trains. See *Murphy v. Wabash Ry.* (1910) 228 Mo. 56, 79, 80, 128 S. W. 481; *cf. Denver Tramway Co. v. Wright* (1909) 47 Colo. 366, 107 Pac. 1074. This "humanitarian doctrine" has apparently been applied thus far only to railroads and traction companies, although no decision has been found expressly so limiting it. The policy of the rule has been vigorously criticized. See the dissent of Woodson, J., in *Murphy v. Wabash Ry., supra*, 88, 100 *et seq.*

CRIMINAL LAW—EMERGENCY FLEET CORPORATION—INDICTMENT OF INSPECTOR AS GOVERNMENT AGENT.—The defendant was an inspector of the Emergency Fleet Corporation. *Held*, he was not indictable as an agent of the United States, under Criminal Code §41, (1909) 35 Stat. 1097, U. S. Comp. Stat. (1916) §10205, which punishes anyone financially interested in any firm, who acts as "an agent of the United States for the transaction of business with such . . . firm." *United States v. Strang et al.* (1921) 41 Sup. Ct. 165.

The Emergency Fleet Corporation is subject to process. *Gould Coupler Co. v. U. S., etc. Corp.* (D. C. 1919) 261 Fed. 716; *The Jeannette Skinner* (D. C. 1919) 258 Fed. 768. It is suable for breach of contract. *Lord & Burnham Co. v. U. S., etc. Corp.* (D. C. 1920) 265 Fed. 955. And perhaps it is subject to garnishment. See *Commonwealth Finance Corp. v. Landis* (D. C. 1919) 261 Fed. 440. It is liable in admiralty for collision. *The Ceylon Maru* (D. C. 1920) 266 Fed. 396. To meet the objection that suit is against the United States without consent, some authorities invoke the corporate entity theory. *Pope v. U. S., etc. Corp.* (D. C. 1920) 269 Fed. 319; see *Gould Coupler Co. v. U. S., etc. Corp., supra*, 717. Others recognize the reality of the United States' interest, and announce the corporation as a suable governmental agency. Consent is inferred from the shipping legislation. See *Southern Bridge Co. v. U. S., etc. Corp.* (D. C. 1920) 266 Fed. 747; *The Jeannette Skinner, supra*, 769; *The Ceylon Maru, supra*, 398. And in still other opinions, the Corporation is viewed as chameleonesque. See *Ingram Day Lumber Co. v. U. S., etc. Corp.* (D. C. 1920) 267 Fed. 283, 293, 294; *Commonwealth Finance Corp. v. Landis, supra*, 442 *et seq.* It is not within the jurisdiction of state courts. *Southern Bridge Co. v. U. S., etc. Corp.* And it is not subject to state property